

# EXHIBIT

## A

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

ESTATE OF PIERRE LOURY,	)	
Deceased, by Tambrasha	)	
Hudson, Administrator,	)	
	)	
Plaintiff,	)	Case No.
	)	16 C 04452
VS.	)	
	)	Judge
CITY OF CHICAGO, Chicago	)	Amy J. St. Eve
Police Officers SEAN HITZ	)	
(Star No. 6272) and JEFF J.	)	
RIORDAN (Star No. 7716),	)	
	)	
Defendants.	)	

The videotaped deposition of SEAN  
EDWARD HITZ, taken before Cathleen M. Baker,  
CSR, a notary public within and for the  
County of Cook and State of Illinois, on  
March 16, 2017, at the hour of 10:38 o'clock  
a.m., at 10 South LaSalle Street, Suite  
2800, Chicago, Illinois.

1 APPEARANCES:

2 ACTION INJURY LAW GROUP, LLC, by  
3 MR. ANDREW M. STROTH  
4 191 North Wacker Drive, Suite 2300  
5 Chicago, Illinois 60606  
6 (312) 771-2444  
7 astroth@actioninjurylawgroup.com  
8 (arrived at 1:30)

9 STETLER, DUFFY & ROTERT, LTD., by  
10 MR. JOSEPH J. DUFFY  
11 MR. COREY B. RUBENSTEIN  
12 10 South LaSalle Street, Suite 2800  
13 Chicago, Illinois 60603  
14 (312) 338-0200  
15 jduffy@sdrlegal.com  
16 cruben@sdrlegal.com

17 appeared on behalf of plaintiff;

18 ASSISTANT CORPORATION COUNSEL, by  
19 MR. RAOUL MOWATT  
20 30 North LaSalle Street, Suite 900  
21 Chicago, Illinois 60602  
22 (312) 744-3283  
23 raoul.mowatt@cityofchicago.org

24 appeared on behalf of defendant City of  
Chicago;

ASSISTANT CORPORATION COUNSEL, by  
MS. ARLENE ESTER MARTIN  
MR. JASON MICHAEL MARX  
MR. SHAWN WILLIAM BARNETT  
30 North LaSalle Street, Suite 900  
Chicago, Illinois 60602  
(312) 744-1975  
amartin@cityofchicago.org  
jason.marx@cityofchicago.org  
shawn.barnett@cityofchicago.org

appeared on behalf of defendants Hitz and  
Riordan.

ALSO PRESENT:

MR. MICHAEL MOORE, Videographer

## I N D E X

WITNESS: SEAN EDWARD HITZ PAGE  
EXAMINATION:

by Mr. Duffy 6  
by Mr. Mowatt 255  
by Mr. Duffy 258

HITZ DEPOSITION EXHIBITS  
(attached)

11	Photo	205
201	Photo	67
202	Photo	97
203	Photo	111
204	Photo	115
205	Photo	124
206	Photo	132
207	Photo	198
208	Photo	207
215	Photo	214
216	Photo	215
217	Dash cam video (not attached) City 002994, AT&T 088	218
		227
217C	Audio of Exhibit 217	
218	Alley video (not attached) City 002299, AT&T 093	220
221	Audio plus VLC Media Player	235

Page 4

1	THE VIDEOGRAPHER: Good morning.	10:40:41
2	We are on the record. My name is Michael	10:40:41
3	Moore with Digitaldep and Video. I'm the	10:40:43
4	operator of this audiovisual camera. This	10:40:46
5	deposition is taking place on March 16,	10:40:50
6	2017, and the time is 2:38 a.m. The	10:40:53
7	location of this deposition is 10 South	10:40:58
8	LaSalle Street, Suite 2800, Chicago,	10:41:02
9	Illinois.	10:41:05
10	This deposition is being held	10:41:05
11	in the matter of the Estate of Pierre Loury,	10:41:08
12	deceased, by Tambrasha Hudson,	10:41:12
13	Administrator, versus the City of Chicago,	10:41:15
14	et al., Case Number 16 C 04452, pending in	10:41:18
15	the United States District Court for the	10:41:25
16	Northern District of Illinois, Eastern	10:41:27
17	Division.	10:41:29
18	The deponent's name is Officer	10:41:31
19	Sean Hitz. This deposition is being taken	10:41:35
20	on behalf of the plaintiff. The party on	10:41:38
21	whose instance this deposition is being	10:41:41
22	recorded on an audiovisual device is the	10:41:43
23	plaintiff.	10:41:45
24	Will the attorneys please	10:41:46

1 identify themselves for the video record. 10:41:48

2 MR. DUFFY: Michael, I think, did 10:41:51

3 you say the time was 10:38? 10:41:53

4 THE VIDEOGRAPHER: That is what I 10:41:56

5 said. 10:41:57

6 MR. DUFFY: That's great. Okay. 10:41:57

7 On behalf of the plaintiff, Joe Duffy and 10:41:59

8 Corey Rubenstein. 10:42:03

9 MR. MARX: Jason Marx on behalf of 10:42:04

10 Defendant Officers Sean Hitz and Jeff 10:42:06

11 Riordan. 10:42:09

12 MS. MARTIN: With Arlene Martin and 10:42:10

13 Shawn Barnett. 10:42:12

14 MR. MOWATT: And Raoul Mowatt on 10:42:13

15 behalf of the City of Chicago. 10:42:15

16 THE VIDEOGRAPHER: And will the 10:42:17

17 court reporter please identify herself and 10:42:18

18 swear in the witness, please. 10:42:20

19 THE REPORTER: I'm Cathy Baker with 10:42:20

20 Digitaldep and Video. 10:42:37

21 (Witness sworn.) 10:42:37

22 THE VIDEOGRAPHER: Please proceed. 10:42:36

23

24

1 SEAN EDWARD HITZ,  
2 called as a witness, having been first duly  
3 sworn, was examined and testified as  
4 follows:

5 EXAMINATION

6 BY MR. DUFFY

7 Q. Would you tell us your full name 10:42:38  
8 and spell your last name. 10:42:40

9 A. My full name is Sean Edward Hitz, 10:42:41  
10 H-i-t-z. 10:42:44

11 Q. And Officer Hitz, you know that you 10:42:46  
12 are appearing here today as part of a 10:42:51  
13 deposition of a lawsuit that has been filed 10:42:55  
14 against you and the City of Chicago? Are 10:42:57  
15 you aware of that? 10:42:59

16 A. Yes. 10:42:59

17 Q. And have you taken any medication 10:43:00  
18 or any other type of drugs that would 10:43:04  
19 prohibit your understanding of what is 10:43:06  
20 happening here today? 10:43:08

21 A. No. 10:43:09

22 Q. Okay. All right. Have you 10:43:09  
23 previously testified under oath? 10:43:12

24 A. Yes. 10:43:14

Page 65

1 Q. All right. So what was your 11:36:19  
2 assignment within the district on 11:36:23  
3 April 11th? 11:36:24

4 A. I was working beat 1135, which is 11:36:25  
5 just a routine beat car. 11:36:29

6 Q. And explain to me what beat 1135 11:36:32  
7 means. Is that a geographical area you 11:36:35  
8 cover, or what does that mean? 11:36:39

9 A. Correct. The 11 would indicate the 11:36:40  
10 11th District. 11:36:42

11 Q. Right. 11:36:44

12 A. And each district is broken down by 11:36:44  
13 sectors of beats specific to geographical 11:36:46  
14 areas of the district, and that's how they 11:36:51  
15 are assigned. 11:36:54

16 Q. And 35 would be a sector within 11:36:55  
17 District 11? 11:36:57

18 A. 1135 would be in the 30 sector of 11:36:58  
19 the 11th District. 11:37:01

20 Q. The 30 sector. And could you just 11:37:02  
21 roughly tell me the geographical boundaries 11:37:04  
22 of that? 11:37:07

23 A. To the best of my recollection, 11:37:08  
24 Western to, I want to say, Kedzie, from 11:37:11

Page 80

1 Q. Right. So you were heading 11:56:14

2 westbound on Roosevelt? 11:56:16

3 A. Correct. 11:56:17

4 Q. And you and your officer pulled 11:56:19

5 over a black vehicle, is that right? 11:56:22

6 A. Yes. 11:56:24

7 Q. And you were a passenger in the 11:56:25

8 squad car, correct? 11:56:29

9 A. Yes. 11:56:30

10 Q. Okay. And at the time of the stop, 11:56:30

11 was the squad car video working? 11:56:32

12 A. Yes. 11:56:35

13 Q. Okay. And do you know how the 11:56:36

14 squad car video was activated? What events 11:56:39

15 or what triggers the activation of the video 11:56:43

16 in the squad? 11:56:47

17 MR. MOWATT: I am going to object 11:56:47

18 to foundation. Go ahead. 11:56:48

19 THE WITNESS: I believe the 11:56:52

20 camera's always recording. And it actually 11:56:53

21 saves an event when you turn on the 11:56:58

22 emergency equipment or activate it by the 11:57:00

23 body mic by hitting a button on the body 11:57:04

24 mic. 11:57:07

digitaldep&video

165 N. Canal St., Chicago, IL 60606 (312)454-6141

Page 81

1	BY MR. DUFFY:	11:57:07
2	Q. So if the police lights go on, it's	11:57:08
3	recording the events?	11:57:10
4	A. Correct.	11:57:12
5	Q. And is there a term that you use	11:57:13
6	when describing the video in the police car?	11:57:17
7	What do you call it?	11:57:20
8	A. Myself?	11:57:21
9	Q. Yes.	11:57:22
10	A. I call it dash cam footage.	11:57:22
11	Q. So I will try to use that term	11:57:25
12	throughout. And so at the time of the stop	11:57:27
13	of the car in which Mr. Loury was a	11:57:34
14	passenger, the dash cam was operating,	11:57:36
15	correct?	11:57:40
16	A. Yes.	11:57:40
17	Q. And was your body microphone live	11:57:41
18	at that time?	11:57:43
19	A. At the time of the stop?	11:57:44
20	Q. Yes.	11:57:45
21	A. I believe it was activated and	11:57:46
22	turned on at the time of the stop, yes.	11:57:48
23	Q. Okay. And how was that activated?	11:57:50
24	A. That is activated when we turn the	11:57:53

1 light switch on -- our emergency equipment, 11:57:55

2 excuse me. 11:57:57

3 Q. So that would hold true for Officer 11:57:58

4 Riordan, as well? 11:58:01

5 A. Correct. Both mics are synced to 11:58:01

6 the same computer so they both turn on 11:58:03

7 together. 11:58:07

8 Q. Describe for me, will you, the car 11:58:08

9 that you and Officer Riordan stopped. 11:58:11

10 A. The car was a black, I believe to 11:58:13

11 be, Ford Taurus with a yellow Illinois 11:58:19

12 temporary license in the back that had been 11:58:23

13 cut apart so you couldn't read any of the 11:58:28

14 numbers, and the windows on the vehicle were 11:58:30

15 all tinted so we could not see inside. 11:58:33

16 Q. So you were not able to determine 11:58:35

17 how many passengers were in the car? 11:58:39

18 A. Correct. 11:58:41

19 Q. All right. So the vehicle stops, 11:58:42

20 is that correct? 11:58:45

21 A. Correct. 11:58:46

22 Q. You and Officer Riordan pull up 11:58:47

23 behind the vehicle? 11:58:49

24 A. Yes. 11:58:49

1 Q. Did you pull up directly behind, or 11:58:50  
2 were you on an angle, do you recall? 11:58:52

3 A. I don't recall. I don't recall if 11:58:54  
4 we were on an angle or straight. 11:58:56

5 Q. Okay. What happened after you and 11:58:58  
6 Officer Riordan stopped the vehicle? 11:59:01

7 A. A lot. 11:59:07

8 Q. I'm sorry. That's a good answer. 11:59:09  
9 From the moment that you stopped the 11:59:12  
10 vehicle, did anyone in the black Ford Taurus 11:59:14  
11 leave the vehicle, leave the Ford? 11:59:18

12 A. First would be the passenger door 11:59:20  
13 opening; and then the passenger of the 11:59:22  
14 vehicle, front passenger, exited the vehicle 11:59:25  
15 northbound. 11:59:30

16 Q. All right. And do you recall if 11:59:32  
17 this Ford Taurus had two doors or four 11:59:36  
18 doors? 11:59:39

19 A. I don't recall. I don't recall. 11:59:39

20 Q. And when this passenger got out of 11:59:41  
21 the car, what did the passenger do? 11:59:49

22 A. The passenger ran northbound 11:59:50  
23 through a vacant lot. I lost sight of him 11:59:54  
24 around the corner. And when I entered the 11:59:58

1 lot following him, I observed him running 12:00:00  
2 with his hands in front of him. 12:00:04

3 Q. All right. Let's go back to the 12:00:07  
4 car. So you see him exit the vehicle, 12:00:09  
5 correct? 12:00:13

6 A. Correct. 12:00:13

7 Q. And how far away are you from that 12:00:13  
8 vehicle? 12:00:16

9 A. I would say about one car length. 12:00:17  
10 Using our police cruiser as the measurement, 12:00:21  
11 I would say about one of those away from the 12:00:26  
12 car. 12:00:29

13 Q. All right. And could you describe 12:00:29  
14 what you observed about this passenger who 12:00:32  
15 exited the black vehicle? 12:00:35

16 A. I observed that he was dressed in 12:00:37  
17 all black and was holding his front when he 12:00:40  
18 was running. 12:00:46

19 Q. Okay. And could you tell me what 12:00:48  
20 was he wearing on the upper part of his body 12:00:52  
21 when you say it was all black? 12:00:56

22 A. I believe a black hoodie, hooded 12:00:58  
23 sweatshirt. 12:01:01

24 Q. And was the hood portion of it on 12:01:01

		Page 102
1	A. Correct.	12:15:39
2	Q. At any time during the chase in the	12:15:39
3	lot, does he turn to look at you?	12:15:41
4	A. No.	12:15:43
5	Q. He is just fleeing from you, right,	12:15:43
6	running away?	12:15:46
7	A. Yes.	12:15:46
8	Q. All right. Now, at some point,	12:15:47
9	Mr. Loury leaves the vacant lot, correct?	12:15:54
10	A. Correct.	12:15:56
11	Q. And in what direction does he go?	12:15:57
12	A. He goes westbound.	12:15:59
13	Q. And do you lose sight of him at	12:16:02
14	that point?	12:16:03
15	A. Yes.	12:16:04
16	Q. And when he goes westbound, or to	12:16:04
17	the left in the picture that you are looking	12:16:09
18	at, do you see his arms or hands?	12:16:11
19	A. No.	12:16:14
20	Q. So even when he is turned to the	12:16:15
21	left, as he turns to the left, you don't see	12:16:17
22	his arm or hands?	12:16:19
23	A. From my angle, no.	12:16:20
24	Q. Could you indicate on the	12:16:21

		Page 108
1	so turning that corner, I may have slowed	12:21:09
2	up.	12:21:14
3	Q. And do you basically run down the	12:21:14
4	middle of the lot?	12:21:15
5	A. Majority, yes, on an angle towards	12:21:17
6	that corner.	12:21:20
7	Q. You start -- you entered the lot as	12:21:20
8	an angle from the right, and then you run	12:21:23
9	down the middle of the lot; and as you get	12:21:25
10	near the end, you kind of angle to the left,	12:21:27
11	correct?	12:21:30
12	A. Correct.	12:21:30
13	Q. And you angle to the left because	12:21:30
14	that was the direction in which Mr. Loury	12:21:32
15	went?	12:21:34
16	A. That I last saw him.	12:21:34
17	Q. So do you know how long it took you	12:21:36
18	in time to run through that lot and arrive	12:21:39
19	at the alley?	12:21:41
20	A. Well, I don't think I'm very fast	12:21:44
21	by any standard, so maybe ten seconds.	12:21:48
22	Q. Okay. Once you arrive in the	12:21:51
23	alley, do you see Mr. Loury?	12:21:55
24	A. No.	12:21:56

		Page 118
1	hands in his pockets right in front of him?	12:30:58
2	A. That, along with what we were told,	12:31:00
3	the totality of the circumstances, what	12:31:05
4	dispatch had read out, and what the	12:31:06
5	witnesses on Homan told us they saw.	12:31:08
6	Q. Right. The dispatch was that there	12:31:10
7	had been a number of instances of shots	12:31:13
8	fired in the area?	12:31:16
9	A. From a black vehicle.	12:31:17
10	Q. From a black vehicle, but that's	12:31:18
11	correct?	12:31:20
12	A. Correct.	12:31:20
13	Q. So you had that in your mind,	12:31:20
14	right?	12:31:22
15	A. Right. That's what made us	12:31:22
16	initially drive west on Roosevelt.	12:31:24
17	Q. Right. Right. And when you were	12:31:26
18	on Homan Avenue, there was some discussion	12:31:27
19	and some signals from some passengers of the	12:31:29
20	cars that you and Officer Riordan passed	12:31:33
21	that would suggest that somebody in the	12:31:35
22	black car that you were pursuing may have	12:31:38
23	had a weapon or may have been a shooter, is	12:31:40
24	that correct?	12:31:42

		Page 119
1	A. They had told us that they just	12:31:42
2	watched that black car shoot at someone on	12:31:44
3	another block.	12:31:46
4	Q. Okay. So you are chasing someone	12:31:47
5	that you think may be armed and may be	12:31:50
6	involved in a shooting, is that right?	12:31:52
7	A. That's correct.	12:31:53
8	Q. And yet you run blindly into the	12:31:56
9	carport without knowing whether he has a	12:32:00
10	weapon in his hand or not, correct?	12:32:03
11	MR. MARX: Objection to the extent	12:32:05
12	it mischaracterizes his testimony. You	12:32:06
13	could answer.	12:32:08
14	BY MR. DUFFY:	12:32:09
15	Q. You run from the carport, right?	12:32:09
16	A. Correct.	12:32:11
17	Q. You don't stop and kind of look	12:32:11
18	around the corner to see what's going on, do	12:32:13
19	you?	12:32:14
20	A. I don't believe I did that, no.	12:32:14
21	Q. Okay. Now, you have been trained,	12:32:17
22	have you not, as a police officer of how to	12:32:21
23	deal with those situations?	12:32:23
24	MR. MOWATT: Objection to form. Go	12:32:25

		Page 179
1	his back.	14:18:26
2	Q. All you see is his back. And then	14:18:27
3	he rotates to the left his entire body?	14:18:29
4	A. Not like that, no.	14:18:32
5	Q. I will have you -- why don't you	14:18:32
6	stand up for a moment and just demonstrate	14:18:34
7	so we are clear on the record?	14:18:36
8	A. If he was laying like this, if this	14:18:37
9	was the ground and he was laying like this,	14:18:40
10	he dove onto it and then rolled like this.	14:18:42
11	Q. All right. And when he rolled over	14:18:46
12	like that, what did you see in his hands?	14:18:48
13	A. The gun.	14:18:51
14	Q. Okay. And what hand was it in?	14:18:51
15	A. I don't recall if it was in both	14:18:55
16	hands or a singular gun, or singular hand.	14:18:57
17	I just saw the gun pointed at me.	14:18:59
18	Q. All right. And then what did you	14:19:01
19	do at that point?	14:19:03
20	A. At that point, I fired twice.	14:19:04
21	Q. When he rolled to the left and	14:19:08
22	presented the gun, where was his upper body?	14:19:16
23	Was he still on the ground but rolled over,	14:19:21
24	or did he pull himself up?	14:19:23